IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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THURSDAY, THE SECOND DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.2061 OF 2006

Between

K.Vishnuvardhan Reddy … Petitioner

Versus

The District Registrar,

Nellore district & Ors. … Respondents

Counsel for the Petitioners: Sri T.Niranjan Reddy

Counsel for the Respondents: Govt.Pleaders for Revenue,
Genl.Admn & Sri K.Upender
Reddy.

O R D E R :

Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the third respondent Gram Panchayat.

It is stated that the petitioner and his family members own Acs:3-25 guntas of land in survey no.250/C-1 of Mothukur village, Mothukur Mandal, Nellore district and obtained the layout dividing the said land into plots by providing amenities including drainage and other facilities.

It is further stated that after the development, the petitioner wanted to sell certain plots but the third respondent refused to register them, as he is prohibited from registering the plot in the said survey number.

The learned counsel for the petitioner submits that there is no any notification under section 22-A of the Indian Registration Act prohibiting the registration of the land in the said survey number in question. Therefore, the action of the respondents is illegal and not sustainable, unless the State Government by notification, in the

official gazette declares that if the said registration is opposed to public policy, the registration authority shall not refuse any document other than the properties not covered by notification.

No doubt in the absence of any such notification, if the land or the assigned land or the Government poramboke at the objection of the revenue or the local authority, the registering authority may consider the same but without their being any written objections, valid and legal objections, the registering authority cannot refuse to receive the document for registration if the relevant provisions of the Registration Act and the Stamps Act are complied with.

Having regard to the facts and circumstances of the case, the second respondent is directed to receive, consider and process the said document presented by the petitioner, if they are other wise, in accordance with the provisions of the Registration and Stamps Act and release the same, if they are found other wise to be in order and proper stamp duty and registration fee is paid, otherwise, if there are any objections to register, the second respondent may communicate the same by assigning the reason thereof in writing to the petitioner on such refusal.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

MARCH 2nd, 2006. ----------

I s L. V. ESWARAIAH, J.

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* N.B. Furnish CC in two days.

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B/o IsL.

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